

Municipal Clerk  
Atlanta, Georgia

**02-0-1537**

**AN ORDINANCE**

**UEZ-02-03**

**BY THE COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE**

**AN ORDINANCE TO CREATE THE "MISTY AMBER SENIOR APARTMENTS HOUSING ENTERPRISE ZONE", TO BE LOCATED AT 3704 (a.k.a. 3712) MARTIN LUTHER KING, JR. DRIVE, AND FOR OTHER PURPOSES.**

**WHEREAS** an amendment to the Constitution of the State of Georgia was adopted by referendum in November 1982 giving the Council of the City of Atlanta power to create urban enterprise zones in the City of Atlanta; and

**WHEREAS** enabling legislation known as the Atlanta/Fulton County Urban Enterprise Zone Act was enacted by the Georgia General Assembly and signed by the Governor in March 1983 and subsequently amended; and

**WHEREAS** the Atlanta/Fulton County Urban Enterprise Zone Act gives the Council of the City of Atlanta the authority to designate areas within the City as urban enterprise zones for housing purposes if certain conditions are met; and

**WHEREAS** the designation of a housing enterprise zone exempts the taxable value of property within the zone only from ad valorem taxes for City purposes, but the Board of Commissioners of Fulton County, by appropriate resolution, may exempt from ad valorem taxation for County purposes the taxable value of the same property that is exempted by the City; and

**WHEREAS** certain types of property may be exempted, conditions must be met by owners of private property to qualify for an exemption, period, and rate of exemptions, and elections may be made by the Atlanta City Council among various types of exemptions which are specified by State law; and

**WHEREAS** State law provides that an exemption from ad valorem taxation for City purposes also includes, but is not limited to, school and educational purposes; and

**WHEREAS** the City of Atlanta Development Impact Fee Ordinance provides that, under certain conditions, the City may exempt development in urban enterprise zones from the requirement to pay development impact fees; and

**WHEREAS** it is the expressed intent of the Atlanta City Council to use urban enterprise zone legislation as an incentive to generate private investment in areas of the City which otherwise might not attract such investments for commercial construction and job creation purposes; and

**WHEREAS** the conditions and qualifications of the Atlanta/Fulton County Urban Enterprise Zone Act, as amended, have been met relative to the creation of the "Misty Amber Senior Apartments Housing Enterprise Zone";

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**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS AS FOLLOWS:**

**Section 1:** It is found by the Council of the City of Atlanta that the area in and around the property that would be designated as the "Misty Amber Senior Apartments Housing Enterprise Zone" is economically and socially depressed. It is further found that areas such as this contribute to or cause unemployment, create an inordinate demand for public services and, in general, have a deleterious effect on the public health, safety, welfare, and morals. It is further found that these areas, as is the case with the property that would be designated as the "Misty Amber Senior Apartments Housing Enterprise Zone" are characterized by having no investment or under-investment by private enterprise in ventures which produce jobs, trade, provision of services, and economic activities which individually and together contribute to a healthy society. This lack of private investment and activity contributes to social and economic depression in such areas. Therefore, it is in the public interest that incentives be provided to private enterprise to invest in such areas, and that such private enterprise place priority upon the employment of those residents in those economically- and socially-depressed areas designated herein as urban enterprise zones.

**Section 2:** The Misty Amber Senior Apartments Housing Enterprise Zone" is hereby created for the subject property. The effective date of all exemptions established therein shall be January 1, 2003. The Misty Amber Senior Apartments Housing Enterprise Zone shall be abolished on December 31, 2012. The Misty Amber Senior Apartments Housing Enterprise Zone shall otherwise not be abolished except as provided in State law. A legal description of the Misty Amber Senior Apartments Housing Enterprise Zone is attached hereto as Exhibit "A", and made a part hereof, and shall be on file in the Bureau of Planning and the Office of the Municipal Clerk.

**Section 3:** The Municipal Clerk is hereby directed to transmit a copy of this Ordinance as well as the legal description of Misty Amber Senior Apartments Housing Enterprise Zone to the Tax Commissioner of Fulton County, to the Commissioner of the Department of Community Affairs of the State of Georgia, and to the Superintendent of the Atlanta Board of Education immediately upon the approval by the Mayor of the City of Atlanta.

**Section 4:** That all ordinances and parts of ordinances that are in conflict herewith are hereby repealed.

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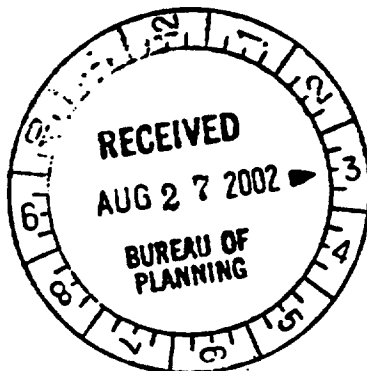
3271 Martin Luther King, Jr. Drive

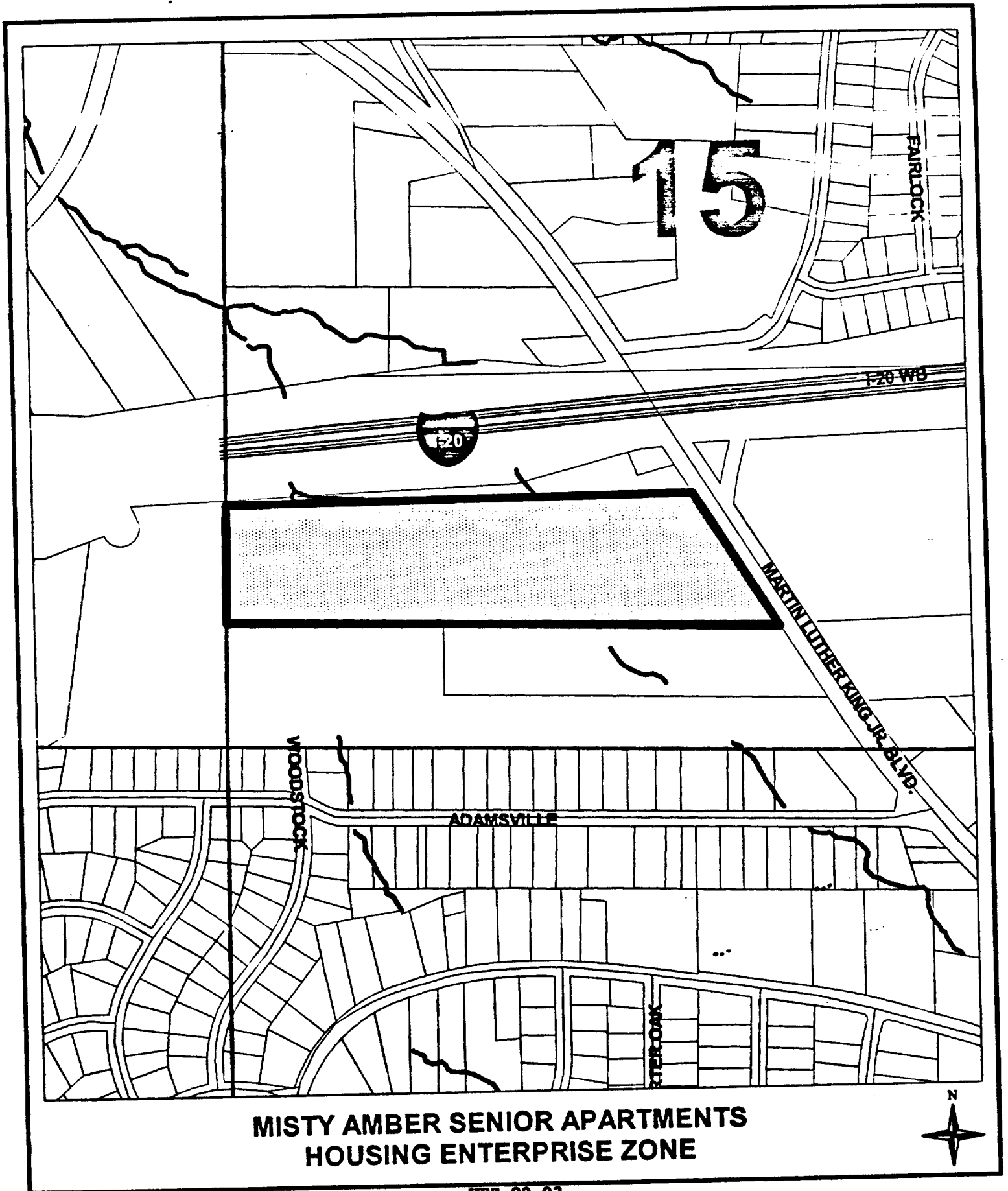
Exhibit "A"

Legal Description

ALL that certain tract or parcel of land lying and being in the City of Atlanta, being part of Land Lot 15 of the 14<sup>th</sup> District of formerly Fayette County, now Fulton County, State of Georgia, and more particularly described as follows:

BEGINNING at an iron pin on the west side of the right-of-way of Gordon Road (a 60-foot right-of-way) One Hundred ninety-five and three-tenths (195.3) feet southeasterly, as measured along the west side of said right of way, from its intersection with the south side of the right of way of Georgia Interstate Highway I-20 (said point of beginning being located on the south line of property now or formerly owned by Mrs. Lila Pittman) and running thence westerly along the south line of said Pittman property, which forms an interior angle of 121 degrees 21 seconds with the west side of right-of-way of Gordon Road) a distance of One thousand five hundred forty-three and one-tenth (1,543.1) feet to an iron pin on the west line of said Land Lot 15; running thence south along said Land Lot line, which forms an interior angle of 90 degrees 11 seconds, with the next proceeding course, a distance of three hundred seventy-four (374) feet to an iron pin at the northwest corner of property now or formerly owned by William Eugene Norton; running thence easterly along the north line of said Norton property, which forms an interior angle of 90 degrees 45 minutes with said Land Lot line a distance of One thousand seven hundred ninety-one and seven-tenths (1,791.7) feet to an iron pin on the west side of the right-of-way of Gordon Road; running thence northwesterly along the west side of the right-of-way of Gordon Road, which forms an interior angle of 57 degrees 43 minutes with the next proceeding course, a distance of Four hundred seventy-three and seven-tenths (473.7) feet to the iron pin at the point of beginning, being improved property with 31-2 story brick veneer apartment buildings and paved parking areas thereon and 15 acres in area as shown on the blue print of survey, to which reference is made, prepared by Roy E. Housworth, Jr., Registered Land Surveyor, dated June 1, 1965 and entitled "Normandy Forest Apartments, Inc. for Metropolitan Life Insurance Company."





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**EVALUATION OF THE PROPOSED  
"MISTY AMBER SENIOR APARTMENTS HOUSING ENTERPRISE ZONE"**

CRITERION	REQUIRED	PROPOSED	COMPLIANCE
1. <u>Eligibility Criteria:</u>	<u>Must meet 3 of the 4 Criteria:</u>		
a. Evidence of Pervasive Poverty	a. Poverty rate of $\geq 20\%$ for the Census Block Group.	a. Poverty rate of $\geq 30\%$ for Block Group 3 of Census Tract 78.03. Meets this criterion.	Meets 3 of the 4 required criteria:
b. Unemployment	b. Unemployment: • Census Tract having at least 10% higher than the State Average; OR • Significant Job Loss, to be documented by the applicant.	b. Unemployment rate of 5.9% for Census Tract 78.03. Meets this criterion.	Meets Criteria #a, #b, & #d.
c. General Distress	c. General Distress: • High Crime within the police beat/zone; OR • Vacant and/or Dilapidated Structures, or Deteriorated Infrastructure, based on documented proof of existing abandoned and/or dilapidated structures within one block of the project area, or deteriorated infrastructure.	c. Crime rate of only -3% for Police Beat/Zone 408. No documentation was submitted by the applicant to demonstrate the presence of existing abandoned and/or dilapidated structures, or of deteriorated infrastructure, within one block of the project area. Does not meet this criterion.	✓
d. Underdevelopment	d. Underdevelopment: The NPU has $\leq 20\%$ of the amount of Development Activity compared to the City as a whole.	d. Development activity of -12% for residential development within NPU "H" compared with the City. Meets this criterion.	
2. Acreage	None.	5.5 acres of land.	✓
3. CDP Consistency	CDP Land Use Classification: Medium-Density Residential. Allowed F.A.R.: 0.696.	Proposed F.A.R.: 0.668. Consistent with the CDP.	✓
4. Zoning Compliance	Zoned "RG-3."	RG-3.	✓
5. Project Specificity	Project-Specific Zone or $\geq 50\%$ of Areawide Zone	Project-Specific.	✓
6. Non-Displacement	Minimum Displacement	None.	✓
7. Job Creation	First Source Jobs Policy	Not Applicable.	✓
8. Financial Feasibility	<u>Chief Financial Officer's Statement of Fiscal Impact:</u> a. Negative cash flow; OR b. Debt coverage ratio $< 1.20$ ; OR c. A variable-ratio debt coverage ratio that is equivalent to said fixed-rate ratio, based upon reasonable assumptions as certified.	To be determined.	To be determined.

UE2-0203



## CITY OF ATLANTA

DEPARTMENT OF PLANNING, DEVELOPMENT AND NEIGHBORHOOD CONSERVATION

68 MITCHELL STREET, S.W. SUITE 3350 • ATLANTA, GEORGIA 30335-0308

404-330-6145 • FAX: 404-658-7491

SHIRLEY FRANKLIN  
MAYOR

Commissioner

TIM POLK  
Acting Commissioner

Director

Bureau of Planning

July 16, 2002

Colin Edelstein  
Misty Amber, LP  
1261 Glenwood Avenue  
Atlanta, Ga. 30316

Dear Mr. Edelstein:

We have received your application for designation of the Misty Amber Senior Apartments housing enterprise zone. Our staff is currently reviewing the application with regard to the City's criteria for urban enterprise zone designation.

We have scheduled your presentation of the application to Neighborhood Planning Unit (NPU) H on Wednesday, July 24, 2002 at 7:00 p.m. at the Adamsville/Collier Heights library, located at 3425 Martin Luther King Jr. Drive, S.W. The chair of NPU - H is Larry Phillips, who can be reached at (404) 696-1724. Please be present at the NPU - H meeting to briefly present your proposal and to answer any questions regarding your application.

Additionally, the Community Development and Human Resources Committee of the Atlanta City Council will hold a public hearing on your application on Monday, September 23, 2002 at 6:00 p.m. in the Council Chambers at City Hall. Please be present at the hearing to briefly present your proposal and to answer any questions regarding this application.

Should you require any further information, please contact Linda Logan at (404) 330-6637 or Sara Wade Hicks at (404) 330-6728.

Sincerely,

  
Beverly Dockeray-Ojo  
Acting Director

cc: Tim Polk  
Sara Wade Hicks  
Linda Logan